

EXHIBIT A

CONVERGYS vs. IGATE CORPORATION, et al.

William P. Koopmans

February 12, 2004

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONVERGYS INFORMATION :
MANAGEMENT GROUP, INC., :
AND CHUBB CUSTOM :
INSURANCE COMPANY, :
Plaintiffs :
-v- : Case No. CV-01-618
: (Judge Beckwith)
IGATE CORPORATION, et al., :
Defendants :
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The deposition of WILLIAM P. KOOPMANS, taken
before Melea E. Chaney, Court Reporter and Notary
Public in and for the State of Ohio, at the law offices
of Ulmer & Berne, 600 Vine Street, Suite 2800,
Cincinnati, Ohio, on the 12th day of February, 2004,
beginning at the hour of 9:23 a.m. and ending at the
hour of 6:09 p.m. of the same date.

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1 and then I'm going to ask your counsel to
2 indicate on the record which of the particular
3 paragraphs of the notice you're being presented
4 as the designee of plaintiff, Convergys
5 Information Management, Group, Inc.

6 MR. SHANK: For the record Mr. Koopmans
7 is being designated on the following topics in
8 the notice of deposition: Topic number one,
9 topic number two, I, topic number four, topic
10 number five, six, seven, eight, nine, 11, 12,
11 13, 14, 16 and 20. Let's go off the record for
12 one second.

13 (OFF THE RECORD)

14 MR. SHANK: I believe I finished with
15 topic number 20. And a couple of other things
16 to note for the record, Kevin. First of all,
17 there may be additional witnesses that can
18 speak to the same topics that Mr. Koopmans is
19 being designated on as well, including Darin
20 Brown. So the fact that Mr. Koopmans is being
21 designated on these topics does not preclude
22 Convergys from having other witnesses who will
23 also testify to the same topics.

24 And secondly, in a letter that I wrote
25 to you and sent to you on February the 10th of

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1 2004, we addressed a couple of objections to
2 topics two, three, four, five, seven, 11, 12
3 and 17. And I don't think I need to say any
4 more about those objections at this point, but
5 just note that letter and hopefully to the
6 extent we have any issues that arise with those
7 objections, we can resolve those either on the
8 record or off the record.

9 MR. LUCAS: I acknowledge receipt of
10 the letter you mentioned. I believe you also
11 had certain objections in that letter to topics
12 six and seven. Since you and I have not yet
13 had a chance to go through those matters, and I
14 didn't know until just now what the subject
15 matters Mr. Koopmans was being designated on,
16 perhaps you and I can talk about that on a
17 break and I'll just move forward.

18 I will attempt, however, to the extent
19 that I can, to defer questioning Mr. Koopmans
20 on those areas that you are not designating him
21 on or ones where you've made an objection even
22 if he's going to be a designee on those subject
23 matters.

24 So I'll try to get the ones where we
25 have no objections pending and he's going to be

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1 produced on out of the way and then try to do
2 clean-up after you and I have had a chance to
3 talk. I think that makes sense.

4 MR. SHANK: I appreciate that.

5 MR. LUCAS: Do I correctly understand,
6 though, that Mr. Koopmans is not being
7 presented as a designee at all at this
8 deposition on behalf of Chubb Custom Insurance
9 Company?

10 MR. SHANK: That is correct.

11 MR. LUCAS: And Mr. Koopmans is also
12 being produced just in his individual capacity
13 for deposition; is that correct?

14 MR. SHANK: In his individual capacity
15 for deposition and then also in his capacity on
16 the topics that we've noted on behalf of
17 Convergys.

18 MR. LUCAS: And I take it for
19 tomorrow's deposition of Mr. Brown you will
20 tell me at that time, perhaps you can tell me
21 later today, which topics Mr. Brown is being
22 offered as a designee on.

23 MR. SHANK: I can tell you anytime that
24 you want to talk about that.

25 MR. LUCAS: Very good.

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1 BY MR. LUCAS:

2 Q Mr. Koopmans, would you provide your
3 residence address, please?

4 A 10806 Palestine, P-A-L-E-S-T-I-N-E,
5 Drive, Union, Kentucky 41091.

6 Q Could you briefly describe for me your
7 educational background after high school?

8 A After high school I went to the
9 University of Illinois. I got a bachelor's degree in
10 mechanical engineering. I went into the graduate
11 program and completed all the course work. I did not
12 get my degree because I didn't finish my thesis.

13 Q And the graduate program was also
14 mechanical engineering?

15 A Yes, it was.

16 Q What year did you obtain your -- I take
17 it a BS --

18 A Yes.

19 Q -- in mechanical --

20 A 1984.

21 Q And in what year or years were you
22 involved in the graduate program?

23 A Well, '84 through '86, May of '86.

24 Q Have you had any other formal education
25 after high school other than what you just described?

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1 A No.
 2 Q Have you taken part and participated in
 3 various what I'll call continuing education programs or
 4 certification programs in the IT field?
 5 A Yes.
 6 Q Can you describe for me briefly what
 7 those are?
 8 A I would probably have to answer
 9 precisely. I'd have to go back through history and
 10 notes.
 11 Q Let me ask you then a general question
 12 so you feel comfortable and you can answer.
 13 A Okay.
 14 Q Is there any particular area within the
 15 IT field where you've taken some additional courses or
 16 certification in this area? For example, a systems
 17 administration on the one hand versus database
 18 administration on another versus different areas.
 19 Would that be an easier question to answer?
 20 A Yes.
 21 Q Could you answer that then?
 22 A I've taken a number of classes dealing
 23 with Oracle database administration or their tool set
 24 that they provide. And I've taken a number of courses,
 25 seminars, on software development processes, quality

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1 processes within software development. What I can't do
 2 is -- at this point is tell you precisely which courses
 3 I took, what their names were and what dates.
 4 Q Let's take those two areas, though. In
 5 the area of the database administration dealing with
 6 Oracle, approximately when were you involved in that
 7 particular study?
 8 A Probably my first classes with Oracle
 9 were in the late 1980s.
 10 Q And could you tell me, did they take
 11 place in one particular approximate time frame or were
 12 they taken from time to time?
 13 A They were taken from time to time.
 14 Q When was the most recent Oracle course
 15 of this sort that you took?
 16 A I can only speculate on that answer.
 17 Q Well, I don't want you to do that, but
 18 I would like to get an idea. We're here to talk about
 19 events that took place in September of 1999. Do you
 20 recall approximately, just in approximate terms, how
 21 much time before September of 1999 you had your last
 22 Oracle course?
 23 A It would have likely been in the first
 24 half of the 1990s.
 25 Q So whatever courses that you would have

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1 taken or attending of programs for Oracle database
 2 administration would have been somewhere between the
 3 late 1980s up to early 1990s through 1995 or
 4 thereabouts?
 5 A That is correct.
 6 Q Did these lead to any particular
 7 certifications?
 8 A No.
 9 Q How many days of study or weeks of
 10 study were involved?
 11 A Probably on the order of 15 to 20.
 12 Q Days?
 13 A Yes.
 14 Q With respect to the subject matter that
 15 we're going to talk about in your deposition, and that
 16 being the events really of September the 16th through
 17 September the 21st or thereabouts of 1999, with respect
 18 to the activities that you understand that Mr. Rao was
 19 engaged in, were any of your courses with Oracle
 20 devoted to that subject matter?
 21 A Yes. One of the first classes I took
 22 was basic Oracle database administration and an Oracle
 23 DBA 101, so it provides the -- kind of the simplest
 24 foundation for the tasks that Ragesh performed.
 25 Q That would have been one of the courses

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1 you had taken back in the late 1980s?
 2 A That is correct.
 3 Q Was there anything of a more
 4 specialized nature as opposed to like TBA 101 type of
 5 study?
 6 A No.
 7 Q Now, the second general area that you
 8 described, I think you said courses on software
 9 development quality processes --
 10 A Correct.
 11 Q -- would you just briefly describe for
 12 me what you mean by that? What was the general nature
 13 of that particular area?
 14 A Different methodologies for software
 15 development and how to build quality into your
 16 software, how to ensure quality.
 17 Q Did that area of study have anything to
 18 do with procedures or processes that should be followed
 19 in a software development or a developmental database
 20 administration type of work?
 21 A Yes. There were a few that -- there
 22 were portions of courses that dealt with development of
 23 SQL and database access and database design methods.
 24 Q Are there any certifications you
 25 received in this area?

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1 A No.
 2 Q Was that any particular company like
 3 Oracle that provided these courses or a particular
 4 institution that provided these particular areas of
 5 study?
 6 A Other than taking some courses directly
 7 from Oracle, I can't recall the vendors.
 8 Q And are these courses that you just
 9 mentioned, are they included in the approximate 20 days
 10 of study you had mentioned earlier or are these in
 11 addition to that?
 12 A Those -- these are in addition to that.
 13 Q And approximately how many additional
 14 days or weeks were involved in this particular area?
 15 A Over the course of the last 17 years, I
 16 don't know that I can give -- in general we take five
 17 to ten days of training a year. I -- I can't even
 18 begin to speculate if it's 60 or 100.
 19 Q In the period prior to the events of
 20 September of 1999, were there any particular areas that
 21 you had courses or areas that you had studied that you
 22 believe were particularly related to the events that
 23 took place, what you believe to be Mr. Rao's activities
 24 during that September 16th to the 21st time frame?
 25 A I'm sorry. Can you repeat that

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1 question?
 2 Q Yes. In the period prior to September
 3 of 1999, were there any particular courses of the type
 4 you're discussing here, whose subject matter was, in
 5 your mind, related to what you believe was the nature
 6 of Mr. Rao's activities during this period of mid-
 7 September of 1999?
 8 A Yes.
 9 Q Can you tell me what that was?
 10 A Specifically not so much as the day-to-
 11 day database administration, but in the processes that
 12 you follow to ensure quality. Things like reviews of
 13 scripts, second set of eyes.
 14 Q And what is the process to be followed
 15 in your mind that you're referring to in your example
 16 about the review of scripts, second set of eyes?
 17 Describe to me what that means.
 18 A That means that you don't rely on an
 19 individual's work to ensure quality. You rely on the
 20 experience and knowledge of multiple members to make
 21 sure your solution is precise and accurate and will --
 22 and will yield the intended result.
 23 Q And is that with respect to everything
 24 a DBA does or is that with respect to scripts prepared
 25 by the DBA?

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1 A It is -- it relates to everything
 2 developed, so including virtually all scripts. It is
 3 not 100 percent inclusive of day-to-day activities,
 4 commands that are performed, but does include some of
 5 the more complex.
 6 Q With respect to whatever courses that
 7 we've been discussing, would these matters be reflected
 8 in your personnel file, if you know, at Convergys?
 9 A I occasionally reference training I've
 10 completed in my self-appraisal, but it would not be 100
 11 percent inclusive because many years I have not
 12 completed a self-appraisal.
 13 Q Let me ask you -- well, it will be a
 14 leading question, but maybe it will expedite matters.
 15 In looking at some of the personnel records that have
 16 been produced in this case, and they don't include
 17 anything having to do with you, but it looks like
 18 there's a process in Convergys where there's a midyear
 19 review and as part of that the employee provides a
 20 self-appraisal of his or her own accomplishments and
 21 achievements. And then there's a review and a report
 22 by a supervisor. And then there's also a year-end
 23 appraisal. Is that essentially the process that's been
 24 followed during this time period, say, from the mid-
 25 '90s up through 1999?

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1 MR. SHANK: Objection to form. Go
 2 ahead.
 3 THE WITNESS: Yes. In general the
 4 policy in Convergys has been an informal mid-
 5 year review and more formal year-end review.
 6 BY MR. LUCAS:
 7 Q Now, Convergys during the time period
 8 of your employment has used the services in what I'll
 9 call the IT area, including the database administration
 10 area, of both employees as well as individuals who are
 11 not employees; is that correct?
 12 A That is correct.
 13 Q The latter category of individuals, are
 14 they generally referred to as consultants?
 15 A The accepted Convergys terminology for
 16 99-plus percent of those individuals is contractors.
 17 Q Is there any procedure --
 18 A May I clarify my answer?
 19 Q Please do.
 20 A The -- the term that we use in the
 21 working level is contractors. I don't have any idea
 22 how HR, our executives or our legal department refers
 23 to them.
 24 Q That's fine. I just want to know a
 25 term that I can use that you will know what I'm talking

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1 said he hasn't.

2 MR. LUCAS: The witness appears to be
3 thinking. I don't want to cut him off.

4 MR. SHANK: Well, I mean, you're close

5 --

6 THE WITNESS: But I did physically
7 deliver them to Mr. Booher.8 MR. SHANK: You're close to the
9 privilege line, counsel, so that's why I want
10 to be careful.11 MR. LUCAS: Well, there's no privilege
12 here and that's what this whole thing is -- I
13 mean, that's what this whole line of
14 questioning is to get at. There is no
15 privilege that's applicable here.

16 MR. SHANK: I --

17 BY MR. LUCAS:

18 Q You didn't deliver them to Mr. Booher
19 for a minimum of three and a half months and maybe as
20 long as 40 months, correct?21 MR. SHANK: Again, I'm going to object
22 to the statement that there's no privilege
23 there and that's part of the question that's
24 asked, so I'm going to object to the question
25 as well. What's the question? He's already

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1 said he did not deliver them physically to Mr.
2 Booher for a minimum of three and a half
3 months. He's said that already.

4 BY MR. LUCAS:

5 Q Did you read them to Mr. Booher during
6 the week of 9/20 to 9/23?

7 A No.

8 Q I mean, you made them and you threw
9 them in the file so you could look at them at a later
10 point in time; is that correct?11 MR. SHANK: Objection. Objection to
12 form.

13 THE WITNESS: I --

14 MR. SHANK: He cannot answer the
15 question why they were made, Kevin. For him to
16 answer the question why they were made would
17 violate the privilege.18 MR. LUCAS: Well, if he can't answer
19 that question, there can't even be an assertion
20 of privilege. Not only an inadequate assertion
21 of privilege, there can't even be an assertion
22 of the privilege.

23 BY MR. LUCAS:

24 Q At the time you prepared these notes,
25 were you personally contemplating Convergys filing a

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1 claim against Mr. Rao or Mr. Rao's employer?

2 A That is not my role.

3 Q So you weren't; is that correct?

4 MR. SHANK: You can answer that.

5 THE WITNESS: Yes.

6 BY MR. LUCAS:

7 Q Did you ever tell Mr. Rao or Mr. Rao's
8 employer at the time that you or Convergys was
9 contemplating filing some sort of a claim against one
10 or both of them?11 A I can't recall precisely, but I can't
12 imagine I would ever do that.13 Q You cannot imagine it; is that what you
14 said?

15 A That is correct.

16 Q Did anyone else that you know of within
17 Convergys, such as Mr. Darin Brown, Mr. Ravi Kura, Mr.
18 Neil Hulin, anyone else that was involved, did anyone
19 else prepare notes at the time concerning the events?

20 A I do not know.

21 Q Did Mr. Booher suggest to you or direct
22 to you that you prepare notes of your recollection of
23 the factual events that had taken place?24 MR. SHANK: Don't answer that question.
25 That is a privileged question.

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1 MR. LUCAS: So you're invoking the
2 privilege and instructing him not to answer
3 that, correct?

4 MR. SHANK: Correct.

5 BY MR. LUCAS:

6 Q After you prepared the notes, so, I
7 mean, like in this third week of September when you
8 were preparing these notes at that time, what steps did
9 you take or did anyone else at Convergys under your
10 direction or control take to preserve documents at
11 Convergys relating to Mr. Rao's activities?12 A I guess none other than to retain
13 everything that was existing.14 Q Well, let's talk about that. What did
15 you retain? You retained what was in your folder; is
16 that correct?

17 A Correct.

18 Q Did you retain anything else?

19 A Yes.

20 Q What else did you retain having to do
21 with this incident?

22 A Electronic correspondence.

23 Q And you've turned that over to
24 Convergys' counsel in this lawsuit, correct?

25 A Yes.

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1 A That's what I intended to type in as a
 2 -- a note that this excerpt of the SSP alert log is --
 3 represents normal activity on the SSP database.
 4 Q Then let's go up to your -- I guess
 5 down it would be, there's an entry, it's a little bit
 6 difficult to see, for the September 17th at 10:48 a.m.,
 7 "? ?"
 8 A Mm-hmm.
 9 Q It seems like it says "On SSP"?
 10 A Mm-hmm.
 11 Q That's your handwriting again?
 12 A Correct.
 13 Q What is that intended to reflect?
 14 A I'm just embellishing. The -- this
 15 document was our time line of what happened, explaining
 16 what happened. So this was a draft and I'm -- I think
 17 there's several of these where I continued to refine
 18 and take notes and dig down. So --
 19 Q Let me -- I'm sorry.
 20 A So this was -- I was being precise.
 21 "Additional corrupted data files observed on SSP as
 22 opposed to SSUP."
 23 Q And then the next entry for the okay
 24 that's down there, what's that supposed reflect?
 25 A That -- that is a complete list of the

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1 A I can't be sure. If we look at the
 2 final version, it might provide a little clarity.
 3 These were just my notes and embellishing. Probably a
 4 step where operations --
 5 Q That's fine. Down below "Contacted
 6 Oracle support." That's the same type of reference you
 7 had before. Is it intended to mean the same thing?
 8 A Yes.
 9 Q Then there's a reference to Darin, Neil
 10 and George. I take it that's Darin Brown, Neil Hulin
 11 and George Robson?
 12 A That is correct.
 13 Q What is the significance of their names
 14 being entered there?
 15 A I probably want to -- wanted to
 16 reference -- oh, that's what it is. At -- at a point
 17 in time we split our investigation, one set of folks
 18 contacted Oracle support, another set of folks kind of
 19 went off on a fact-finding investigative exercise.
 20 Q Let me ask you: In looking at these,
 21 the event in terms of the corruption of the database as
 22 you were talking about --
 23 A Mm-hmm.
 24 Q -- first starts to appear, if I read
 25 this page correctly, number 15, at approximately 10:35

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1 data files that were corrupted.
 2 Q And then the entry down where it says
 3 "Last data file that restored at 16:46".
 4 A Yes.
 5 Q What does that refer to?
 6 A The -- the last of the 17 data files
 7 that were corrupted was restored at 16:46 on 9/17.
 8 Q So that would be like 4:46 in the
 9 afternoon?
 10 A Correct.
 11 Q And then, if you would, go to the next
 12 page which is marked number 13. It says "Called Oracle
 13 and discussed..." -- is that options?
 14 A Mm-hmm.
 15 Q Is that your handwriting?
 16 A Yes.
 17 Q And did you call Oracle and discuss
 18 that or was that done by somebody else?
 19 A Well, it -- it was the -- a team of us
 20 that were working this problem.
 21 Q Would you turn now to page 15?
 22 A Okay.
 23 Q There is a reference to, at the bottom,
 24 it says "9/17 10:45 operations received" and then dash,
 25 dash, dash; what does that mean?

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1 a.m. on September 17th; is that correct?
 2 A Well, that's the first impact to
 3 customer. The events that caused the corruption are at
 4 the top of the page at 10:33.
 5 Q Okay. So at 10:33 things happened.
 6 Within two minutes you're indicating that the errors
 7 were appearing in the SSP alert log, correct?
 8 A Right.
 9 Q And then ten minutes after that you
 10 have split Convergys' operations twofold: one will be
 11 the recovery efforts in working with Oracle support; is
 12 that correct?
 13 MR. SHANK: Objection to form.
 14 THE WITNESS: It's really our
 15 investigation and figuring out what the heck
 16 was going on at the time, why we were seeing
 17 the stuff we were seeing. We created two
 18 teams: one that worked with Oracle support,
 19 one that dug into the logs and the application
 20 logs and the operating system logs to try to
 21 figure out what was going on.
 22 BY MR. LUCAS:
 23 Q Okay. We'll come back in the final --
 24 in the final version I think this will clear it up.
 25 Let me ask you generally: At the time did the effort

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1 as well?
2 A I don't recall.
3 Q Do you recall whether he accused anyone
4 of doing that?
5 A I don't recall.
6 Q Is there anything else that took place
7 on September the 17th in any dealings you had with Mr.
8 Rao concerning the database corruption or his
9 activities on the 16th and 17th that you haven't
10 testified to today?
11 A No, other than, like I said before, he
12 played no role. He stayed to himself. We believe we
13 know why he did that. And then he left at a reasonable
14 time when the rest of the team stayed and worked
15 essentially all evening and many through the night.
16 Q Did you talk to him at all or did Mr.
17 Brown or anyone else from Convergys talk to Mr. Rao
18 over the weekend, that Saturday, Sunday, the 18th,
19 19th?
20 A Not -- I -- I do not believe so. He
21 did not -- everybody else worked through the weekend
22 with the exception of Ragesh.
23 MR. LUCAS: Okay. Why don't we adjourn
24 for right now and then we'll pick up tomorrow
25 with Mr. Brown and then we'll finish off with

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1 Mr. Koopmans next week, as we previously
2 discussed. Thank you for your time.

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(AND FURTHER THE DEPONENT SAITH NAUGHT)

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C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,
COUNTY OF WARREN, To-wit;

I, Melea E. Chaney, Court Reporter and
Notary Public in and for the State of Ohio, do hereby
certify;

That on the 12th day of February, 2003,
there appeared before me pursuant to Notice and
agreement of counsel, WILLIAM P. KOOPMANS, as a witness
in the previously entitled cause;

That the said witness was sworn by me
and examined to tell the truth, the whole truth, and
nothing but the truth in said cause;

That the deposition was taken by me via
Stenomask and electronic recording and the foregoing
319 pages contain a true, full and correct
transcription of all the testimony of said witness;

That the deposition was submitted to
counsel for the witness for reading and signature;

That I am not related to or in any way
associated with any of the parties to said cause of
action, or their counsel, and that I am not interested
in the event thereof.

IN WITNESS WHEREOF, I have hereunto set
my hand this 19th day of February, 2004.

Melea E. Chaney
My commission expires:
July 3, 2006

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